

Appl. No. 10/600,266
Reply to Office Action of September 28, 2005

REMARKS/ARGUMENTS

Applicants affirm the election of Group I, claims 1-5. Also, new claims 16-19 are in the elected Group.

Claims 1-3 are rejected as anticipated by Ogletree (US-6,509,348). For claims 4 and 5 there is an obviousness rejection over Ogletree in view of Koike et al. (US-5,288,726).

In applying Ogletree the Examiner notes that the interpretation of the instant claims allow for the inclusion of any other unspecified ingredients even in major amounts. To avoid the accidental overlap with Ogletree, applicants have excluded the presence of a thromboxane A₂ receptor antagonist from the claimed composition. This avoids the rejections of record since it would not be obvious to leave the thromboxane A₂ receptor antagonist out of the composition of Ogletree. Ogletree is directed to a composition in which the thromboxane A₂ receptor antagonist is the second required component.

It is therefore submitted that Ogletree does not anticipate the present claims.

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In addition, annexed hereto is a DECLARATION by Atsuhiro SUGIDACHI which provides evidence of a synergistic effect when compound A and aspirin are used together. This would not be expected by persons of ordinary skill in the art. Thus, the combination of Ogletree with Koike et al. does not render the claims obvious.

Concerning new claim 15 and the remaining claims depending thereon, it is noted that claim 15 specifically excludes all components that would effect the essential characteristics of the composition except for those which are listed therein (claim 15 uses the language "consisting essentially of"). Because Ogletree describes that the combination of ADP-receptor blocking antiplatelet drug and thromboxane A₂ receptor antagonist is surprising (column 4, lines 6-18) and the combination of clopidogrel and ifetroban may have synergistic activity (column 38, lines 7-8), including thromboxane A₂ receptor antagonist in the present claimed combination could effect the essential characteristics thereof. These claims are also not obvious for reasons discussed above and are distinguished even further from the teachings relied on for the rejection.

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Support for the Claims

Support for the new claims and for the amended claims can be found in the original claims as well as in the specification. Thus, for example, there are no other active ingredients in the formulation shown on page 9 (including no thromboxane A₂ receptor antagonist). In addition, it is submitted that the last paragraph on page 4 is exclusionary with respect to other components. Similarly, in the discussion of other components of the composition starting near the end of page 5 and through the beginning of page 6, no other active agents are included, only the pharmaceutically acceptable excipients.

Finally, with respect to the anticipation rejection avoided with the proviso specifically excluding the thromboxane A₂ receptor antagonist, in addition to the support noted above, it is submitted that applicants can claim less of their invention than they originally disclosed and claimed even if there is no *ipsis verbis* support therefore (see *In re Wertheim*, 191 USPQ 90 (CCPA 1976); also *Union Oil vs. Atlantic Richfield*, 54 USPQ 1227, 1235 (CAFC 2000)).

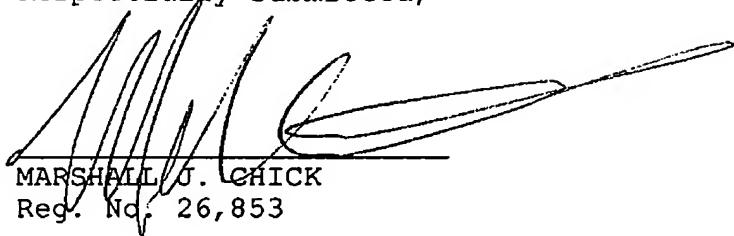
In view of the above, it is submitted that the present invention as now claimed, is not shown or suggested by the art.

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Withdrawal of the rejections and allowance of the application are respectfully requested.

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Respectfully submitted,



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Enclosure: Executed DECLARATION UNDER 37 CFR 1.132 of
Atsuhiro SUGIDACHI dated December 8, 2005